

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

PASS-A-GRILLE BEACH
COMMUNITY CHURCH, INC.,

Plaintiff,

v.

Case No. 8:20-cv-01952-TPB-SPF

CITY OF ST. PETE BEACH, a
Florida municipal corporation,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Sean P. Flynn, United States Magistrate Judge, entered on April 11, 2022. (Doc. 64). Judge Flynn recommends that “Plaintiff’s Supplemental Motion on the Amount of Attorney Fees and Expenses to Which it is Entitled” (Doc. 54) be granted in part and denied in part. Specifically, Judge Flynn recommends that Plaintiff be awarded attorney’s fees in the amount of \$254,018.68 (a 15% reduction) and costs in the amount of \$4,347.70. No objection to the report and recommendation has been filed, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court

must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Flynn’s report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Flynn’s detailed and well-reasoned factual findings and legal conclusions. Consequently, Plaintiff’s motion for attorney’s fees and costs (Doc. 54) is granted in part and denied in part.

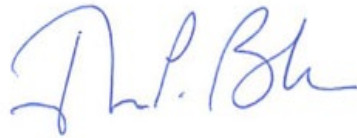
Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Flynn’s report and recommendation (Doc. 64) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) “Plaintiff’s Supplemental Motion on the Amount of Attorney Fees and Expenses to Which it is Entitled” (Doc. 54) is hereby **GRANTED IN PART** and **DENIED IN PART**.
- (3) Plaintiff is awarded attorney’s fees in the amount of \$254,018.68 and costs in the amount of \$4,347.70.

- (4) The Clerk is directed to enter an amended final judgment in favor of Plaintiff and against Defendant that includes the award of attorney's fees and costs in this case, as set forth herein.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 27th day of April, 2022.



TOM BARBER
UNITED STATES DISTRICT JUDGE